

**DIVISION VIII OF TITLE 5
CALIFORNIA CODE OF REGULATIONS**

**PROPOSED AMENDMENT OF SECTIONS 80043 PERTAINING TO THE
EMINENCE CREDENTIAL APPLICATION APPEAL AND DENIAL PROCESS**

NOTICE OF PROPOSED RULEMAKING

The Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed actions.

Public Hearing

A public hearing on the proposed actions will be held:

October 3, 2002
10:00 am
California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Nancy Cajucom Troyer at (916) 445-6816 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will be given full consideration regardless of the number of copies submitted.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on October 2, 2002. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3166; write to the California Commission on Teacher Credentialing, attention Nancy Cajucom Troyer, 1900 Capitol Avenue, Sacramento, CA 95814-4213; or submit an e-mail at ncajucom@ctc.ca.gov.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be

included in the written agenda prepared for and presented to the full
Commission at the hearing.

Authority and Reference

Education Code Section 44225 authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Section 44262.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Education Code 44225 provides that the Commission may promulgate rules and regulations. Education Code Section 44262 provides that the Commission may issue an eminence credential to any person who has achieved eminence in a field of endeavor taught or service practiced in the public schools of California.

Section 80043.(c)(2)(A) - The amendment adds language to require additional, relevant supporting information be submitted by a school district when requesting reconsideration of a staff denial.

Section 80043.(c)(2)(B) - The amendment adds language allowing staff to forward previously denied eminence applications to the Commission that now appear to meet the Commissions definition of eminence.

Section 880043.(c)(2)(C) - The amendment adds language that provides a Commission consent calendar process for final denial of a school districts eminence application.

Under the current process, an employing school district may appeal staff's denial of an eminence credential solely upon request and not based on the merits of the denial. The proposed language required that school districts requesting reconsideration of a staff denial of an eminence application present new evidentiary material relevant to the reason(s) for denial that was not available at the time the application was initially submitted to the Commission. If upon evaluation of this additional material, staff found no new evidence to support the applicant's eminence, staff would place the district eminence applications on a Commission consent calendar with a recommendation for final denial.

Documents Incorporated by Reference

None

Documents Relied Upon in Preparing Regulations

None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Govt. Code §11346.3(b)): The Commission has made an assessment that the proposed amendment to the regulation(s) would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small business. The regulations are not mandatory but an option that effects public school districts and county offices of education.

Consideration of Alternatives

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Nancy Cajucom Troyer by telephone at (916) 445-68126 or in writing at California Commission On Teacher Credentialing, 1900 Capitol Ave., Sacramento, CA 95814. General question inquiries may also be directed to Rhonda Stearns at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web-site at <<http://www.ctc.ca.gov>>. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action(s)

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Nancy Cajucom Troyer at (916) 445-6816.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.